

**WILLKIE FARR & GALLAGHER LLP**

Benedict Y. Hur (SBN: 224018)  
Simona Agnolucci (SBN: 246943)  
Jayvan E. Mitchell (SBN: 322007)  
Amanda Maya (SBN: 324092)  
One Front Street, 34th Floor  
San Francisco, CA 94111  
Telephone: (415) 858-7400  
Facsimile: (415) 858-7599  
bhur@willkie.com  
sagnolucci@willkie.com  
jtmitchell@willkie.com  
amaya@willkie.com

Attorneys for  
GOOGLE LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO**

ANIBAL RODRIQUEZ AND JULIE ANNA  
MUNIZ, individually and on behalf of all other  
similarly situated

Plaintiff,

vs.

GOOGLE LLC, *et al.*,

Defendant.

Case No. 3:20-CV-04688

**DECLARATION OF JAYVAN E.  
MITCHELL IN SUPPORT OF  
DEFENDANT GOOGLE LLC'S  
MOTION TO DISMISS COMPLAINT**

The Honorable Richard Seeborg

Court: Courtroom 3 – 17th Floor  
Date: December 17, 2020  
Time: 1:30 p.m.

38016800.1

1 I, Jayvan E. Mitchell, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I am an associate  
3 with the law firm of Willkie Farr & Gallagher LLP, counsel of record for Google LLC in the above-  
4 captioned matter. I have personal knowledge of the facts set forth below and, if called as a witness  
5 in a court of law, could and would testify competently thereto.

6 2. Attached hereto as **Exhibit A(1)-(7)** are true and correct copies of Alibaba's Terms of  
7 Use agreements in effect in 2019 and 2020, which were downloaded on October 12, 2020 at:

8 <https://rule.alibaba.com/rule/detail/2041.htm>

9 <https://web.archive.org/web/20200825151825/https://rule.alibaba.com/rule/detail/2041.htm>

10 <https://web.archive.org/web/20191230210137/https://rule.alibaba.com/rule/detail/2041.htm>

11 <https://web.archive.org/web/20190925070055/https://rule.alibaba.com/rule/detail/2041.htm>

12 <https://web.archive.org/web/20190902030028/https://rule.alibaba.com/rule/detail/2041.htm>

13 <https://web.archive.org/web/20190505163936/https://rule.alibaba.com/rule/detail/2041.htm>

14 <https://web.archive.org/web/20190101072341/https://rule.alibaba.com/rule/detail/2041.htm>

15 3. Attached hereto as **Exhibit B(1)-(4)** are true and correct copies of Alibaba's Privacy  
16 Policies in effect in 2019 and 2020, which were downloaded on October 12, 2020 at:

17 <https://rule.alibaba.com/rule/detail/2034.htm>

18 <https://web.archive.org/web/20200901155358/https://rule.alibaba.com/rule/detail/2034.htm>

19 <https://web.archive.org/web/20191230210133/https://rule.alibaba.com/rule/detail/2034.htm>

20 <https://web.archive.org/web/20190101073132/https://rule.alibaba.com/rule/detail/2034.htm>

21 4. Attached hereto as **Exhibit C(1)-(3)** are true and correct copies of Lyft's Terms of  
22 Service agreements in effect in 2019 and 2020, which were downloaded on October 12, 2020 at:

23 <https://www.lyft.com/terms>

24 <https://web.archive.org/web/20191105230124/https://www.lyft.com/terms>

25 <https://web.archive.org/web/20190105031147/https://www.lyft.com/terms>

26 5. Attached hereto as **Exhibit D(1)-(3)** are true and correct copies of Lyft's Privacy  
27 Policies in effect in 2019 and 2020, which were downloaded on October 12, 2020 at:

28 <https://www.lyft.com/privacy>

38016800.1

1 <https://web.archive.org/web/20200107073652/https://www.lyft.com/privacy>

2 <https://web.archive.org/web/20190104222445/https://www.lyft.com/privacy>

3 6. Attached hereto as **Exhibit E** is a true and correct copy of the February 21, 2019 *Mac*  
4 *Daily News* article titled “Apple removes nearly all third-party SDK from Shazam’s iOS version  
5 after making it ad-free,” which was downloaded on October 13, 2020 at:

6 <https://9to5mac.com/2019/02/20/shazam-third-party-sdks/>

7 I declare under penalty of perjury that the foregoing is true and correct. Executed on October  
8 13, 2020 at San Francisco, California.

9  
10 By: /s/ Jayvan E. Mitchell  
11 Jayvan E. Mitchell  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28